



# Nottingham City Council Act 2003

## 2003 CHAPTER ii

### PART 1

#### PRELIMINARY

#### **1 Short title and commencement**

- (1) This Act may be cited as the Nottingham City Council Act 2003.
- (2) Part 2 (Registration of dealers in second-hand goods) and Part 3 (Occasional sales and squat trading) of this Act shall come into force on the appointed day.

#### **2 Interpretation**

(1) In this Act—

- “appointed day” has the meaning given to it by section 3;
- “authorised officer” means an officer of the council authorised by it in writing to act for the purposes of the Act;
- “the city” means the City of Nottingham;
- “the council” means Nottingham City Council;
- “dealer in second-hand goods” means a person who carries on a trade or business, the whole or part of which consists of transactions in second-hand goods;
- “motor vehicle” means a mechanically propelled vehicle;
- “occasional sale” means an event held in the city at which goods are exposed for supply or offered to the public by one or more sellers or suppliers in the course of a trade or business, but does not include—
  - (a) a market the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by statute;
  - (b) an event held wholly or mainly for the sale by auction of farm livestock or farm machinery, equipment or plant, or the contents of one or more buildings or other items associated with the building or buildings;

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- (c) an auction conducted by a person registered under subsection (1) of section 4 (Registration of dealers in second-hand goods and premises) of this Act on premises registered under that subsection;
- (d) an event held wholly or mainly for the sale of books;
- (e) an event of a class which is by resolution of the council excluded from the operation of this section;

“plant” includes any moveable equipment used for building or construction purposes or in carrying on any industrial process;

“premises” means any land, building or part of a building and for these purposes, “building” includes a temporary or moveable structure;

“record” includes a computer record and references in this Act to the production of a record means, in the case of a computer record, the production of a record in printed form;

“registered number” in respect of a vehicle means the number indicated by the registration mark (within the meaning of section 23 (Registration marks) of the Vehicle Excise and Registration Act 1994 (c. 22)) assigned to the vehicle under that section by the Secretary of State;

“registration number” means the number which appears on a certificate of registration issued under subsection (2) of section 4 (Registration of dealers in second-hand goods and premises) of this Act;

“squat trading” means a trade or business consisting of the selling, offering for sale, display or exposing for sale of any article by any person on any premises if that person occupies the premises without the consent of the owner or lawful occupier of the premises; and

“vehicle” means a vehicle intended or adapted for use on the road.

- (2) For the purposes of this Act a person who holds an occasional sale includes any person who—
  - (a) charges admission to the premises used for the sale; or
  - (b) receives or is entitled to receive, as a person promoting the sale or as the agent, licensee or assignee of such a person, payment in respect of goods sold to persons attending the sale or for the granting of rights to other persons to sell goods to persons attending the sale; or
  - (c) receives or is entitled to receive payment for any space or pitch hired or let on the site of the sale to persons wishing to trade at the sale.

### **3 Appointed day**

- (1) In this Act the “appointed day” means such day as may be fixed by the resolution of the council, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for different provisions of this Act.
- (3) The council shall cause to be published in the London Gazette and a local newspaper circulating in the city notice—
  - (a) of the passing of any such resolution and of the day fixed thereby; and
  - (b) of the general effect of the provisions of this Act coming into operation on that day;

and the day so fixed shall not be earlier than the expiration of one month from the publication of the notice.

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- (4) Either a photostatic or other reproduction certified by a proper officer (within the meaning of the Local Government Act 1972 (c. 70)) of the council to be a true reproduction of a page or part of a page of the London Gazette or any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice and of the date of publication.